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SUBJECT: COALITION ALTERS PRESS LAW DRAFT, BUT NOT ENOUGH

REF: A. BRATISLAVA 40

[1](#)B. BRATISLAVA 61

[1](#)1. (SBU) In advance of next week's parliamentary session, the governing coalition quietly introduced in the Culture and Media Committee on March 18 an amended version of its draft press law. The new version, introduced by Smer MP Jan Podmanicky, addresses one of the two major deficiencies identified by OSCE Media Representative Miklos Haraszti and other critics, including Embassy Bratislava: it eliminates a provision which would have empowered the Ministry of Culture to impose fines on publishers for various ill-defined forms of hate speech (ref a). The Podmanicky proposal does not, however, offer substantive changes to the controversial "Right to Respond" provision. While the draft clarifies that publishers would only need to print responses based on "factual claims" rather than opinions, publishers would still have to print full responses (on the same page and in the same space) by anyone who feels that his/her "honor, dignity, name, or reputation" was impugned by a given factual claim. Analysts consider the Slovak bill significantly more restrictive than European laws that contain a right of reply.

[1](#)2. (SBU) Opposition politicians and NGO advocates have not been won over by the changes. SDKU, SMK, and KDH held a joint press conference on March 19 in which they acknowledged that the troublesome language regarding the Ministry of Culture had been largely resolved, but stressed their continued unease with the "Right to Respond" provision and other elements, including language that would require (as opposed to permit) journalists to protect sources. Opposition MP (and KDH defector) Pavol Minarik, Chairman of the Culture and Media Committee, told Poloff that Smer had traded its "lesser abomination" for its greater one. He further argued that the new draft "won't change the position of SDKU or SMK on the Lisbon Treaty," adding that he personally would not vote to approve the Lisbon Treaty in any case. An advisor to former PM Dzurinda told us that Dzurinda would continue to oppose the press bill and the Lisbon Treaty without changes to the former. Rasto Kuzel from the local NGO Memo 98, which had provided significant input to the OSCE analysis, told us that he had spoken with Haraszti on March 19 and that Haraszti would continue to fight for more meaningful changes.

Outlook  
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[1](#)3. (SBU) Parliament will take up the second reading of the Press Law shortly after reconvening on March 26. If the bill

passes committee cleanly, as expected, the final vote would likely take place during the following week. Most politicians and NGOs assess that the Prime Minister, who stated recently that he would insist on a "strict press law" to counter the media's "absolutely unacceptable behavior toward the government," will resist calls for change in the "Right to Respond" provision. Opposition politician and NGO sources believe that pressure from the EU and international organizations offers the best chance of influencing the outcome, but they are not sanguine about the prospects for success.

14. (SBU) Meanwhile, Slovak publishers indicate that they plan to print a March 26 edition showing what their newspapers could look like under the new law. According to Kuzel, if the law is passed, several of these newspapers will refuse to print responses, accept the fines, and file lawsuits -- which they believe that they will lose within the Slovak courts, but eventually win at the European Court of Justice. GOS officials have been on the record stating that they would take into consideration OSCE concerns in order to ensure that the media law meets European standards; the latest draft, however, falls short. Ambassador will raise our concerns about the bill with FM Kubis and in his one-on-one meeting with Prime Minister Fico on March 27. Post also is reaching out to our EU counterparts in an effort to marshal a broader response.  
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